

SENATE BILL 655

M2

11r2077

By: **Senators Pinsky, Conway, Frosh, Manno, Montgomery, and Young**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Commercial Fishing Violations – Enhanced Penalties**

3 FOR the purpose of establishing certain enhanced penalties for a person who commits
4 a certain separate commercial fisheries violation while the person's commercial
5 fishing license or authorization is suspended or revoked or who engages in
6 commercial fishing activities without an appropriate license or authorization;
7 requiring that certain fines imposed under this Act be paid into the Fisheries
8 Research and Development Fund; clarifying certain commercial fishing
9 violations; and generally relating to enhanced penalties for certain commercial
10 fishing violations.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–708 and 4–1202
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Natural Resources
18 Section 4–1201(a) and (b)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2010 Supplement)

21 BY adding to
22 Article – Natural Resources
23 Section 4–1201(h)
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2010 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Natural Resources**

2 4–708.

3 **(A) A PERSON MAY NOT:**

4 **(1) COMMIT A SEPARATE VIOLATION OF THIS TITLE RELATED TO**
5 **THE SUSPENDED OR REVOKED LICENSE OR AUTHORIZATION WHILE THE**
6 **PERSON’S LICENSE OR AUTHORIZATION TO FISH OR DEAL IN FISH UNDER §**
7 **4–701 OF THIS SUBTITLE IS SUSPENDED OR REVOKED; OR**

8 **(2) ENGAGE IN AN ACTIVITY FOR WHICH A LICENSE OR AN**
9 **AUTHORIZATION IS REQUIRED UNDER § 4–701 OF THIS SUBTITLE WITHOUT**
10 **HOLDING THAT LICENSE OR AUTHORIZATION.**

11 **(B) A person may not set any net during the time his commercial net fishing**
12 **license is suspended or revoked.**

13 4–1201.

14 (a) Except as otherwise specifically provided in this title, a person who
15 violates any provision of this title is guilty of a misdemeanor and, upon conviction, is
16 subject to a fine not exceeding \$1,000, with costs imposed in the discretion of the court.

17 (b) Unless another penalty is specifically provided elsewhere in this title, any
18 person found guilty of a second or subsequent violation of any provision of this title is
19 subject to a fine not exceeding \$2,000, or imprisonment not exceeding one year, or
20 both, with costs imposed in the discretion of the court. For the purpose of this
21 subsection, a second or subsequent violation is one which has occurred within two
22 years of any prior violation of this title.

23 **(H) IN ADDITION TO ANY OTHER APPLICABLE PENALTY UNDER THIS**
24 **TITLE, A PERSON WHO VIOLATES § 4–708(A)(1) OF THIS TITLE (COMMITTING**
25 **SEPARATE COMMERCIAL FISHING VIOLATION WHILE LICENSE OR**
26 **AUTHORIZATION IS SUSPENDED OR REVOKED) OR § 4–708(A)(2) OF THIS TITLE**
27 **(ENGAGING IN COMMERCIAL FISHING ACTIVITY WITHOUT HOLDING**
28 **APPROPRIATE LICENSE OR AUTHORIZATION) IS GUILTY OF A MISDEMEANOR**
29 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR**
30 **OR A FINE NOT EXCEEDING \$25,000 OR BOTH, WITH COSTS IMPOSED IN THE**
31 **DISCRETION OF THE COURT.**

32 4–1202.

33 (a) **(1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
34 **SUBSECTION, IF any fine is imposed by the District Court for a violation of any**

1 provision of this title, the fine shall be collected pursuant to the provisions of law of
2 the District Court system.

3 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FINE**
4 **IMPOSED BY THE DISTRICT COURT UNDER § 4-1201(H) OF THIS SUBTITLE ON A**
5 **PERSON WHO COMMITS A SEPARATE COMMERCIAL FISHING VIOLATION WHILE**
6 **THE LICENSE OR AUTHORIZATION IS SUSPENDED OR REVOKED OR WHO**
7 **ENGAGES IN COMMERCIAL FISHING ACTIVITY WITHOUT HOLDING THE**
8 **APPROPRIATE LICENSE OR AUTHORIZATION, LESS THE COSTS OF COLLECTION,**
9 **SHALL BE PAID TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND.**

10 (b) If any fine is imposed by the circuit court of any county, the fine, less the
11 costs of collection, shall be paid to the Fisheries Research and Development Fund,
12 unless otherwise provided for.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.